

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 25, 29, 30, 31, 52 and 63 have been amended. Support for the amendments to the claims may be found throughout the specification and claims as originally filed. No new matter has been added. Claims 17-19, 24, 45-47, 51, 60-62 and 65 have been canceled without prejudice or disclaimer. Upon entry of the amendment, claims 1-16, 20-23, 25-44, 48-50, 52-59, 63-64 and 66-77 will be pending in the present application with claims 1, 2, 25, 29, 30, 31, 52 and 63 being independent.

1. Information Disclosure Statement

The Office Action states that the information disclosure statement filed December 27, 2005, fails to comply with 37 CFR 1.98(a)(2)(iii), which requires a legible copy of each pending unpublished U.S. patent application.

Applicants have enclosed a copy of U.S. Patent Application 10/440,596, which is a reissue application of U.S. Patent 6,295,492 issued to Lang et al. U.S. Patent 6,295,492 was previously disclosed to the Examiner in an Information Disclosure Statement.

2. Double Patenting

The Office Action provisionally rejects claims 1-67 and 69-77 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22 and 27-34 of copending Application No. 09/804,888. The Office Action also provisionally rejects claim 68 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22 and 27-34 of copending Application No. 09/804,888 in view of Lin et al. (6,400,701).

Applicants submit that Application No. 09/804,888 is currently abandoned for failure to

respond to Office Action. Therefore, the provisional double patenting rejections of claims 1-67, 69-77 and 68 based on Application No. 09/804,888 are rendered moot.

For at least this reason, reconsideration and withdrawal of the provisional double patenting rejections of claims 1-77 are respectfully requested.

3. Rejection of Claims 1-67 and 69

The Office Action rejects claims 1-67 and 69 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,295,492 to Lang et al. ("Lang") in view of U.S. Patent 5,808,907 to Shetty et al. ("Shetty"). Applicants respectfully traverse this rejection.

a) The Lang Reference

Lang discloses a system for transmitting, collecting and displaying diagnostic and operational information from one or more motor vehicles using a central server connected to a wide-area network (see abstract). The system includes an on-board translator device 14 capable of being connected to an existing OBD-II connector plug 8 and translating proprietary diagnostic test signals into diagnostic service codes presented in a standard computer language, such as ASCII files, to be used by an on-board computer (see col. 2, lines 27-31). The on-board computer connects to a wireless communication means that continuously or intermittently transmits the ASCII files to a central network server, which collects the ASCII text files in a user database for display to a user (see col. 2, lines 32-37; Figure 2). Diagnostic information in Lang's system is presented to the user as diagnostic service codes in a computer language, such as in ASCII format. Therefore, Lang discloses a system that collects and translates vehicle-generated data on-board a vehicle, and then wirelessly transmits the vehicle-generated data to a server, which displays these exact same data received by the server on a simple interface. In Lang, no information is derived from the vehicle-generated data received by the server. Instead, the server merely displays the received data in its unprocessed form.

The Office Action on page 5 concedes that Lang does not disclose derived information that has a meaning distinct from received data. Therefore, Lang fails to disclose or suggest wirelessly receiving data by a computer system from a vehicle, and processing the received data with the computer system to generate diagnostic or location information that is at least in part derived from the received data, wherein the derived information has a meaning distinct from the received data.

Furthermore, the Office Action on page 5 asserts that Lang teach that a first user corresponds to a vehicle owner and a second user corresponds to a corporation with a fleet of vehicles (referencing col. 3, line 5). Lang discloses that authorized users, such as the owner of a motor vehicle or representatives of the motor vehicle manufacturer may connect to a central server to receive vehicle data (col. 2, lines 38-42). Lang also discloses that the system 10 may be beneficial to operators of multiple motor vehicles (col. 3, lines 4-5). Therefore, Lang specifically discloses that the system 10 may be used by motor vehicle manufacturers and operators of multiple motor vehicles. However, Lang fails to disclose or suggest a second web interface for at least one organization selected from a group comprising a dealership, a service entity, an insurance entity, a performance monitoring entity, and a survey entity.

A group comprising a dealership, service entity, insurance entity, performance monitoring entity or survey entity does not include a motor vehicle manufacturer or operator of multiple motor vehicles, since none of the entities in the group manufactures or operates motor vehicles. Moreover, it would not have been obvious to modify the teachings of Lang to include a group comprising a dealership, service entity, insurance entity, performance monitoring entity or survey entity, as evidenced by the fact that Lang discloses only motor vehicle manufacturers and operators of multiple motor vehicles, but fails to mention or suggest any of the entities in the group. If modifying Lang to include a group comprising a dealership, service entity, insurance entity, performance monitoring entity or survey entity were obvious, it would have been disclosed in Lang.

b) The Shetty Reference

The Office Action on page 5 asserts that Shetty teaches derived information that has meaning distinct from received data (referencing col. 2, lines 30-34). Applicants disagree with this interpretation of Shetty.

Shetty discloses a method for providing information relating to a mobile machine to a user. Shetty teaches an event database 108 containing information relating to all triggered events received from mobile machines in a fleet. The events stored in the event database 108 may be received from an on-board information manager 120 located on a mobile machine 118 (col. 2, lines 22-28).

Shetty defines an “event” as a set of predetermined conditions. A particular event may be a function of one or more diagnostic parameters, such as when engine oil temperature exceeds a predetermined threshold (col. 1, line 63 – col. 2, line 2). Indeed, Shetty’s events are limited to observing when a received parameter exceeds a given critical value. Shetty teaches that an event is generated from diagnostic data received from the mobile machines. However, Shetty teaches that the events are defined by the received diagnostic data. Shetty does not teach or suggest that the events have a distinct meaning from the data received from the mobile machines. Therefore, Shetty fails to disclose or suggest processing received data to generate diagnostic or location information that is at least in part derived from the received data, wherein the derived information has a meaning distinct from the received data.

Additionally, Shetty lacks any description of web-based systems, let alone using such systems to receive and process data to generate diagnostic or location information that is derived from the received data, and then displaying the derived diagnostic or location information on a website. Furthermore, Shetty fails to disclose or suggest any of a dealership, a service entity, an insurance entity, a performance monitoring entity, and a survey entity. As a result, Shetty fails to cure the defects in Lang.

c) Claims 1-67 and 69 Distinguish Over Lang and Shetty

In contrast to Lang and Shetty, independent claims 1, 2, 25, 29, 30, 31, 52 and 63 of the present application include, in some form, the elements of processing data with a computer system to generate diagnostic or location information that is at least in part derived from received data, wherein the derived information has a meaning distinct from the received data. Additionally, in contrast to Lang and Shetty, independent claims 1, 2, 25, 29, 30, 31, 52 and 63 of the present application include, in some form, the elements of displaying derived diagnostic or location information on at least one website, the website having a first web interface dedicated to presenting information associated with the vehicle and a second web interface to present information associated with a group of vehicles including the vehicle, wherein the first web interface is a customer interface and the second web interface is an interface for at least one organization selected from a group comprising a dealership, a service entity, an insurance entity, a performance monitoring entity, and a survey entity.

As discussed above, Lang and Shetty, alone or in combination, do not disclose or suggest these claim elements. Accordingly, independent claims 1, 2, 25, 29, 30, 31, 52 and 63, and their respective dependent claims, are allowable over Lang and Shetty.

Claims 17-19, 24, 45-47, 51, 60-62 and 65 have been canceled without prejudice or disclaimer. Therefore, the rejection of these claims is rendered moot.

4. Rejection of Claim 68

The Office Action rejects claim 68 under 35 U.S.C. §103(a) as being unpatentable over Lang in view of Shetty as applied to claims 1-67 and 69, and further in view of U.S. Patent 6,400,701 to Lin et al. ("Lin"). Applicants respectfully traverse this rejection.

Lin discloses a telecommunications network including communicating packet data in Fixed Wireless Access networks. However, Lin fails to disclose or suggest a graphical user

interface including a first interface and a second interface displaying information that is at least in part derived from data wirelessly received by a computer system from a vehicle, wherein the derived information has a meaning distinct from the received data, as included in base independent claim 63. Furthermore, Lin fails to disclose or suggest a graphical user interface including a first interface and a second interface, wherein the first interface is an interface for at least one organization selected from a group comprising a dealership, a service entity, an insurance entity, a performance monitoring entity, and a survey entity, as included in base independent claim 63.

Therefore, Lin fails to cure the deficiencies of Lang and Shetty as described above with respect to claim 63. Accordingly, claim 68, which depends from claim 63, is allowable.

5. Rejection of Claims 70-77

The Office Action rejects claim 70-77 under 35 U.S.C. §103(a) as being unpatentable over Lang in view of Shetty as applied to claims 1-67 and 69, and further in view of U.S. Patent Application Publication 2002/0118222 to Fogarty ("Fogarty"). Applicants respectfully traverse this rejection.

Fogarty fails to cure the defects in Lang and Shetty, as discussed above. Fogarty discloses a method and system that electronically stores and retrieves documents and information related to engineering design, but is wholly unrelated to systems for monitoring vehicles. Fogarty fails to disclose or suggest processing data received from a vehicle to generate diagnostic or location information that is at least in part derived from the received data, wherein the derived information has a meaning distinct from the received data, as included in independent claims 1, 2, 25, 29, 30, 31, 52 and 63. Furthermore, Fogarty fails to disclose or suggest any of a dealership, a service entity, an insurance entity, a performance monitoring entity, and a survey entity, as included in independent claims 1, 2, 25, 29, 30, 31, 52 and 63.

Claims 70-77 depend from independent claims 1, 2, 25, 29, 30, 31, 52 and 63,

respectively. As discussed above, claims 1, 2, 25, 29, 30, 31, 52 and 63 are allowable over the cited references. For this reason, and the additional limitations recited therein, claims 70-77 are also allowable.

6. Conclusion

In view of the above, claims 1-16, 20-23, 25-44, 48-50, 52-59, 63-64 and 66-77 clearly recite elements that are neither disclosed nor suggested by the prior art, including Lang, Shetty, Lin and Fogarty, alone or in combination. Applicants submit that such claims are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejections are requested.

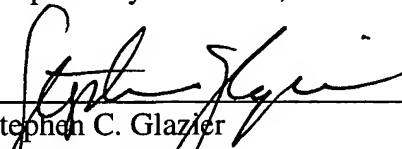
Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 50-1721.

Respectfully submitted,

Date: _____

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